

Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919 .

DP1306996

Sheet 1 of 26 Sheets

Plan of Subdivision of Lot 11 in
 DP1309130, Lot 20 in DP1304679 & Lot
 1088 & 1089 in DP1306994 AND
 Easement over Lot 21 in DP1304679

Covered by Council Certificate

No.: SC26/0006 Dated: 16/04/2026

Full name & address of the
 owners of the land

LEGPRO ORCHARD HILLS PTY LTD
ACN 619 780 559

Level 45 Suite 4502 25 Martin Place
 Sydney NSW 2000

LEGPRO ORCHARD HILLS STAGE 1 PTY LTD
ACN 673 136 206

Level 45 Suite 4502 25 Martin Place
 Sydney NSW 2000

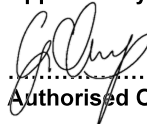
LEGPRO ORCHARD HILLS STAGE 2 PTY LTD
ACN 673 759 209


Level 45 Suite 4502 25 Martin Place
 Sydney NSW 2000

Part 1 (Creation)

| Number of item shown in the intention panel on the plan | Identity of easement, profit a prendre, restriction or positive covenant to be created and referred to in the plan | Burdened lot(s) or parcel(s) | Benefited lot(s), road(s), bodies or Prescribed Authorities |
|---|--|--|--|
| 1 | Easement to Drain Water 1.5 Wide | 2004 2003 2002 2043 2044 2050 2058 2059 2060 | 2005 2004 & 2005 2003-2005 inclusive 2042 2042 & 2043 2051 2057 2057 & 2058 2057 -2059 Inclusive |
| 2 | Easement to Drain Water 2 Wide | 2001 2070 2046 2045 2049 2048 2047 2052 2061 | 2002-2005 Inclusive 2006-2008 Inclusive 2042-2045 inclusive 2042-2044 Inclusive 2050 &2051 2049-2051 Inclusive 2048-2051 Inclusive 2057-2060 Inclusive 2057-2060 Inclusive |

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 Authorised Officer


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 Registered Proprietor

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Sheet **2** of **26** Sheets

Plan of Subdivision of Lot 11 in
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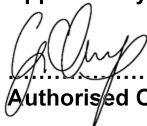
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| | | | |
|---|---|------|--------------------------------------|
| | | 2009 | Lots 1077-1083 Incl. in DP1306994 |
| | | 2025 | 2024 |
| | | 2026 | 2024 & 2025 |
| | | 2027 | 2024-2026 Inclusive |
| | | 2028 | 2024-2027 Inclusive |
| | | 2033 | 2038-2041 Inclusive |
| | | 2034 | 2038-2041-Inclusive |
| | | 2035 | 2038-2041 Inclusive |
| | | 2038 | 2039 -2041 Inclusive |
| | | 2039 | 2040 & 2041 |
| | | 2040 | 2041 |
| | | 2062 | Lots 1073-1076 incl. In DP1306994 |
| | | 2063 | Lots 1073-1076 Incl. In DP1306994 |
| | | 2064 | Lots 1073-1076 Incl. In DP1306994 |
| 3 | Easement for retaining wall support 0.5 wide | 2016 | 2062 & 2063 |
| | | 2017 | 2009 |
| | | 2018 | 2028 |
| | | 2019 | 2027 |
| | | 2020 | 2026 & 2027 |
| | | 2021 | 2025 & 2026 |
| | | 2022 | 2024 & 2025 |
| | | 2023 | 2024 |
| | | 2029 | 2041 |
| | | 2030 | 2040 |
| | | 2031 | 2039 |
| | | 2032 | 2038 |
| | | 2035 | 2038 |
| | | 2036 | 2038 |
| | | 2037 | 2038 |
| | | 2038 | 2039 |
| | | 2039 | 2040 |

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Sheet **3** of **26** Sheets

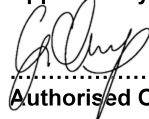
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| | | | |
|-------------|--|--|--|
| 3 continued | Easement for retaining wall support 0.5 wide | 2040 2054 2055 2056 2059 Lot 21 in DP1304679 | 2041 2058 2058 2057 2058 Lots 2042-2046 inclusive |
| 4 | Easement for Retaining wall support 0.5 wide | 2029 2030 2031 2032 | 2071 2029 2030 2031 |
| 5 | Easement for Access & maintenance 0.9 wide | 2003 2004 2005 2011 2012 2014 2015 2018 2019 2020 2021 2031 2032 2033 2035 2036 2037 2038 2039 2044 2046 2050 2062 2063 2064 | 2004 2005 2006 2012 2013 2015 2016 2019 2020 2021 2022 2030 2031 2032 2036 2038 2038 2039 2040 2043 2045 2049 2073 2062 2063 |
| 6 | Easement for Access & maintenance 0.9 wide | 2033 | 2034 |
| 7 | Right of Carriageway Variable Width | Lot 21 DP1304679 | Penrith City Council |

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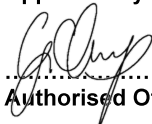
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| | | | |
|----|---|--|--|
| 8 | Easement to Drain Water Variable Width | Lot 21 DP1304679 | Penrith City Council |
| 9 | Easement for Padmount substation 5.5 wide | 2024 | Epsilon Distribution Ministerial Holding Corporation ABN 59 253 130 878 |
| 10 | Restriction on the use of land | Part 2023 Designated (R2) Part 2024 Designated (R2) | Epsilon Distribution Ministerial Holding Corporation ABN 59 253 130 878 |
| 11 | Restriction on the use of land | Part 2023 Designated (R3) Part 2024 Designated (R3) | Epsilon Distribution Ministerial Holding Corporation ABN 59 253 130 878 |
| 12 | Restriction on the use of Land | Lots 2009-2032 inclusive Lots 2035-2046 inclusive Lots 2055-2058 Inclusive Lot 2062 & 2063 | Penrith City Council |
| 13 | Positive Covenant | 2018-2071 | Penrith City Council |
| 14 | Restriction on the Use of Land | 2009 2016 2018 2023 2028-2032 Inclusive 2037-2041 Inclusive 2042 2046 2052 2058 2059 2061 | Penrith City Council |

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Sheet **5** of **26** Sheets

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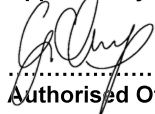
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No.: SC26/0006


Dated: 16/04/2026

| | | | |
|----|--------------------------------|------|---|
| 15 | Restriction on the Use of Land | 2032 | 2033-2038 2042-2057 & 2061 |
| | | 2033 | 2032 , 2034-2038 2042-2057 & 2061 |
| | | 2034 | 2032,2033, 2035-2038 2042-2057 & 2061 |
| | | 2035 | 2032-2034, 2036-2038 2042-2057 & 2061 |
| | | 2036 | 2032-2035, 2037, 2038 2042-2057 & 2061 |
| | | 2037 | 2032-2036, 2038 2042-2057 & 2061 |
| | | 2038 | 2032-2037 2042-2057 & 2061 |
| | | 2042 | 2032-2038 2043-2057 &2061 |
| | | 2043 | 2032-2038 2042,2044-2057 & 2061 |
| | | 2044 | 2032-2038,2042, 2043, 2045-2057 & 2061 |
| | | 2045 | 2032-2038,2042-2044 2046-2057 & 2061 |
| | | 2046 | 2032-2038,2042-2045 2047-2057 & 2061 |
| | | 2047 | 2032-2038,2042-2046 2048-2057 & 2061 |

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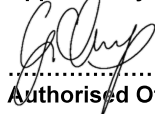
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No.: SC26/0006

Dated: 16/04/2026

| | | | |
|--------------|--------------------------------|------|--|
| 15 continued | Restriction on the Use of Land | 2048 | 2032-2038,2042-2047 2049-2057 & 2061 |
| | | 2049 | 2032-2038,2042-2048 2050-2057 & 2061 |
| | | 2050 | 2032-2038,2042-2049 2051-2057 & 2061 |
| | | 2051 | 2032-2038,2042-2050 2052-2057 & 2061 |
| | | 2052 | 2032-2038,2042-2051 2053-2057 & 2061 |
| | | 2053 | 2032-2038,2042-2052 2054-2057 & 2061 |
| | | 2054 | 2032-2038,2042-2053 2055-2057 & 2061 |
| | | 2055 | 2032-2038,2042-2054 2056, 2057 & 2061 |
| | | 2056 | 2032-2038,2042-2055 2057 & 2061 |
| | | 2057 | 2032-2038,2042-2056 & 2061 |
| | | 2061 | 2032-2038,2042-2057 |

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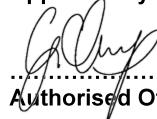
Dated: 16/04/2026

| | | | |
|----|---|--|--|
| 16 | Restriction on the Use of Land | Lots 2001-2069 Inclusive & 2073 | Every other Lot except Lots 2070 & 2071 |
| 17 | Easement for services Variable Width | Lot 21 in DP1304679 | Penrith City Council |
| 18 | Restriction on the Use of Land | Part Lot 21 in DP1304679 Designated (E1) | Penrith City Council |
| 19 | Positive Covenant | Part Lot 21 in DP1304679 Designated (E1) | Penrith City Council |
| 20 | Restriction on the Use of Land | Lot 2052 | Penrith City Council |
| 21 | Restriction on the Use of Land | Lots 2001-2071 Inclusive | Every other lot |
| 22 | Easement to Drain water 1.7 wide | 2007 2006 | 2008 2007 & 2008 |
| 23 | Restriction on the Use of Land | Lot 21 in DP1304679 | Penrith City Council |

Part 1A (Release)

| | | | |
|---|---|------------------------|----------------------|
| 1 | Easement to Drain Water Variable width created by DP1306994 | Lot 11 in DP1309130 | Penrith City Council |
| 2 | Easement to Drain Water 2 wide created by DP1306994 | Lot 11 in DP1309130 | Penrith City Council |
| 3 | Easement to Drain Water 3 wide created by DP1309130 | Lot 20 in DP1304679 | Penrith City Council |

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Part 2 (Terms)

Terms of Easement for retaining wall support 0.5 wide numbered 3 & 4 in the plan

1.1 The owner of the lot burdened must not:

- (a) interfere with the retaining wall or the support it offers, or
- (b) use the site of this easement, or any other part of the lot burdened, or any other land, in a way which may detract from the stability of or the support provided by the retaining wall.

1.2 If the owner of the lot burdened does or allows anything to be done which damages the retaining wall or impairs its effectiveness or fails to do something which results in damage to the retaining wall or the impairment of its effectiveness, the owner of the lot benefited may serve a notice on the owner of the lot burdened requiring the damage to be repaired or the impairment removed within 14 days.

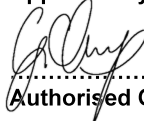
1.3 If the owner of the lot burdened does not comply with the notice set out in clause 1.2 within 14 days, the owner of the lot benefited may:

- (a) enter the lot burdened and repair the damage or remove the impairment, and
- (b) recover its reasonable costs from the owner of the lot burdened.

1.4 In exercising those powers, the owner of the lot benefited must:

- (a) ensure all work is done properly, and
- (b) cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened, and
- (c) cause as little damage as is practicable to the lot burdened and any improvement on it, and
- (d) restore the lot burdened as nearly as is practicable to its former condition, and
- (e) make good any collateral damage.

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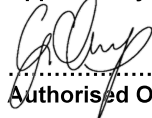
No.: SC26/0006 Dated: 16/04/2026

Part 2 (Terms Continued)

Terms of Easement for access and maintenance 0.9 wide numbered 5 & 6 in the plan

- 1.1 The owner of the lot benefited may, for the purposes of inspecting and surveying any structure on the lot benefited and undertaking any Works on the lot benefited::
- (a) enter and remain on the site of this easement (**Easement Site**) for a reasonable time and may bring anything necessary; and
 - (b) do anything reasonably necessary for those purposes, including carrying out Works within the Easement Site.
- 1.2 In exercising those powers, the owner of the lot benefited must:
- (a) obtain approvals from the relevant authority as necessary;
 - (b) subject to **clause 1.3**, before entering into the lot burdened, provide at least 7 days' notice that it wishes to exercise its rights to the owner of the lot burdened;
 - (c) ensure all work is done in a proper workmanlike manner and in accordance with any applicable law and the requirements of all relevant authorities;
 - (d) cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened;
 - (e) cause as little damage as is practicable to the lot burdened and any improvements on it;
 - (f) restore the lot burdened as nearly as practicable to its former condition; and
 - (g) make good any collateral damage.
- 1.3 The owner of the lot burdened is not required to comply with **clause 1.2(b)** where, in the opinion of the owner of the lot benefited, reasonably held, there is an Emergency.
- 1.4 The owner of the lot burdened must not :-
- (a) allow any building or other structure to be erected or placed on the Easement Site except an eave or gutter of the main building on the lot burdened, a security gate or any permanent underground services to the main building; or
 - (b) carry out any excavation or filling greater than 500mm. Any excavation or filling shall be located and retained so as not to impact on any adjoining building, structure or property.

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Part 2 (terms continued)

- 1.5 Subject to **clause 1.4** immediately above, this easement does not limit the right of the owner of the lot burdened to carry out repairs and maintenance or improvements to any landscaping within the Easement Site.

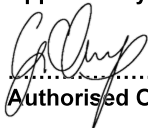
Terms of right of carriageway variable width numbered 7 in the plan

- 1.1 Full and free right for the body in whose favour this easement is created, and every person authorised by it, to go, pass and repass at all times and for all purposes with or without animals or vehicles or both over the land indicated herein as the servient tenement.
- 1.2 The registered proprietor of the burdened lot from time to time shall do all things necessary to maintain, repair and replace the grates, pipes, pits, kerbs, gutters and road surface or any other structures of and incidental to the right of carriageway within the land so burdened to the satisfaction of Penrith City Council and in this regard must also comply with any reasonable written request of the Council within such time period nominated.
- 1.3 Where the registered proprietor of the burdened lots fails to comply with any written request of the Penrith City Council referred to above Penrith City Council will not be liable for any damages that may occur to any user of the right of carriageway.

Name of person empowered to release, vary or modify Restriction

Penrith City Council

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Part 2 (terms continued)

Terms of Easement for Padmount substation 5.5 wide numbered 9 in the plan

The terms of the Easement for Padmount Substation set out in Section 1 Memorandum Number AR578978, are incorporated into this document.

Name of person empowered to release, vary or modify Easement

Epsilon Distribution Ministerial Holding Corporation

Terms of Restriction on the Use of Land numbered 10 in the plan.

The terms of Restriction on the Use of Land – Fire Rating of Buildings set out in Section 8 Memorandum Number AR578978, are incorporated into this document

Name of person empowered to release, vary or modify Restriction

Epsilon Distribution Ministerial Holding Corporation

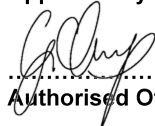
Terms of Restriction on the Use of Land numbered 11 in the plan.

The terms of Restriction on the Use of Land – Swimming Pools and Spas set out in Section 9 Memorandum Number AR578978, are incorporated into this document

Name of person empowered to release, vary or modify Restriction

Epsilon Distribution Ministerial Holding Corporation

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Part 2 (terms continued)

Terms of Restriction on the Use of Land numbered 12 in the plan.

- 1.1 The combined height of the existing retaining walls constructed as part of the original subdivision effected by the registration of this plan and any proposed wall in the rear yard shall not exceed 1.8m.
- 1.2 Any retaining wall constructed after the registration of this plan shall be located at least 1.0m in front of the existing wall and shall have a maximum height of 1.0m.

Name of person empowered to release, vary or modify Restriction

Penrith City Council

Terms of Positive Covenant numbered 13 in the plan

- 1.1 The owner of the lot burdened must construct any dwelling on the lot burdened in accordance with the acoustic report 'Noise Impact Assessment Proposed Subdivision Orchard Hills North - Stage 2 (Report Number 230424R2" as prepared by Rodney Stevens Acoustic dated 7 August 2024 (**Noise Report**) including the noise criteria set out in the Noise Report.
- 1.2 Without limiting **clause 1.1**, in order to effect **clause 1.1** immediately above, the owner of the lot burdened must implement the recommendations set out in section 5 of the Noise Report.
- 1.3 Prior to the approval of any residential development on the burdened lot, a statement is required from an appropriately qualified acoustic consultant verifying acoustic compliance.

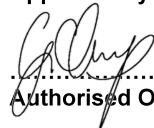
Name of person empowered to release, vary or modify Restriction

Penrith City Council

Terms of Restriction on the Use of Land numbered 14 in the plan.

- 1.1 The combined height of the existing retaining walls constructed as part of the original subdivision effected by the registration of this plan and any proposed wall along the same side boundary shall not exceed 1.5m.
- 1.2 For the purpose of this restriction for Lot 2018 and 2028 the side boundary is the boundary which is shared with the southern side of Lindfield Street.
- 1.3 For the purpose of this restriction for Lot 2023 the side boundary is the boundary which is shared with the northern side of Lindfield Street.

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Part 2 (terms continued)

- 1.4 For the purpose of this restriction for Lot 2037 and 2042 the side boundary is the boundary which is shared with Ulm Road.
- 1.5 For the purpose of this restriction for Lot 2046 the side boundary is the boundary which is shared with Oasis Street.
- 1.6 For the purpose of this restriction for Lot 2052 and 2061 the side boundary is the boundary which is shared with O'Connell Lane.

Name of person empowered to release, vary or modify Restriction

Penrith City Council

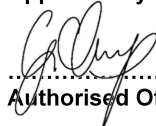
Terms of Restriction on the Use of Land Numbered 15 in the plan

- 1.1 In this restriction on use, **Display Village** means the display home village which is, or is proposed to be, located within the lots burdened and operated by LegPro Orchard Hills Pty Ltd or its assignee.
- 1.2 No building(s) shall be constructed or permitted to remain on the lot(s) hereby burdened unless such building(s) are used as part of the Display Village.
- 1.3 The terms of this restriction on the use of land will cease to apply and the obligations will be released by Legacy Property Pty Ltd after 5 years from the date of registration of the restriction.

Name of person empowered to release, vary or modify Restriction

Legacy Property Pty Ltd

Approved by Penrith City Council



electronic signature affixed by me
or at my direction on 16/04/2026

Authorised Officer



Electronic signature affixed by me
or at my direction on 21/04/2026

Registered Proprietor

Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919 .

DP1306996

Sheet **14** of **26** Sheets

Plan of Subdivision of Lot 11 in
DP1309130, Lot 20 in DP1304679 & Lot
1088 & 1089 in DP1306994 AND
Easement over Lot 21 in DP1304679

Covered by Council Certificate

No.: SC26/0006

Dated: 16/04/2026

Part 2 (Terms Continued)

Terms of Restriction on the Use of Land numbered 16 in the plan

1.1 In this restriction on use:

- (a) **Design Guidelines** means the 'Design Guidelines' applicable to the Burdened lot which are published on the Orchard Hills North website or in another medium at the Developer's discretion and which the Developer may amend from time to time;
- (b) **Design Review Panel** means the design review panel constituted by the Developer being the panel required to approve the house and landscaping plans of houses in the Orchard Hills North development;
- (c) **Developer** means Legacy Property Pty Limited; and
- (d) **Sunset Date** means the date that is 10 years after the date of registration of the Plan.

1.2 The Owner of a burdened lot must not construct a dwelling, any ancillary landscaping, driveway or fencing on the burdened lot unless that dwelling, any ancillary landscaping, driveway and fencing:

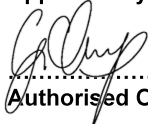
- (a) comply with the Design Guidelines and any other conditions required by the Developer or any relevant consent authority; and
- (b) have been approved by the Design Review Panel.

1.3 The terms of this restriction on use will cease to apply and the obligations will be released by all benefited lots and by the Developer on the Sunset Date.

Name of person empowered to release, vary or modify Restriction

Legacy Property Pty Limited

Approved by Penrith City Council



electronic signature affixed by me
or at my direction on 16/04/2026

Authorised Officer



Electronic signature affixed by me
or at my direction on 21/04/2026

Registered Proprietor

Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919 .

DP1306996

Sheet **15** of **26** Sheets

Plan of Subdivision of Lot 11 in
DP1309130, Lot 20 in DP1304679 & Lot
1088 & 1089 in DP1306994 AND
Easement over Lot 21 in DP1304679

Covered by Council Certificate

No.: SC26/0006

Dated: 16/04/2026

Part 2 (Terms Continued)

Terms of Restriction on the Use of Land numbered 18 in the plan

1.1 The registered proprietor of the burdened lot shall not:

- (a) erect, construct or place any building or other structure,
- (b) make alterations to the ground surface levels, grates, pipes, pits, kerbs, tanks, gutters, drains, walls or any other structure associated with the on-site detention system and water sensitive urban design measures

within the land so burdened without the prior written consent of Penrith City Council.

1.2 The terms of this Restriction on the use of land will cease to apply and the obligations will be released by Penrith City Council on the date that all satisfactory arrangements have been made with Penrith City council for stormwater management systems on future stage.

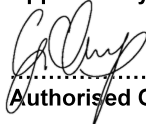
Name of person empowered to release, vary or modify Restriction

Penrith City Council

Terms of Positive Covenant numbered 19 in the plan

- 1.1 The registered proprietor of the burdened lot from time to time shall do all things necessary to maintain, repair and replace the grates, pipes, pits, kerbs, tanks, gutters, drains, walls, chambers or any other structures of and incidental to the on-site detention system, overland flow path works, water sensitive urban design measures and flood control works within the land so burdened to the satisfaction of Penrith City Council and in this regard must also comply with any reasonable written request of the Council within such time period nominated.
- 1.2 Where the registered proprietor of the burdened lots fails to comply with any written request of the Penrith City Council referred to in clause 1.1 above the proprietor shall meet any reasonable cost incurred by the Council in completing the work requested.
- 1.3 Full and free right for the Penrith City Council and every person authorised by it to enter upon the burdened lot in order to inspect, maintain, cleanse, replace, repair any grates, pipes, pits, kerbs, tanks, gutters, drains, walls, chambers, basins or any other structure or alter surface levels to ensure the on-site detention system and water sensitive urban design measures within the land so burdened functions in accordance with the approved Construction Certificate (Council Reference: DA 24/0041).

Approved by Penrith City Council



electronic signature affixed by me
or at my direction on 16/04/2026

Authorised Officer



Electronic signature affixed by me
or at my direction on 21/04/2026

Registered Proprietor

Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919 .

DP1306996

Sheet **16** of **26** Sheets

Plan of Subdivision of Lot 11 in
DP1309130, Lot 20 in DP1304679 & Lot
1088 & 1089 in DP1306994 AND
Easement over Lot 21 in DP1304679

Covered by Council Certificate

No.: SC26/0006 Dated: 16/04/2026

Part 2 (Terms Continued)

1.4 The terms of this Positive Covenant will cease to apply and the obligations will be released by Penrith City Council on the date that all satisfactory arrangements have been made with Penrith City council for stormwater management systems on future stage.

Name of person empowered to release, vary or modify Positive Covenant.

Penrith City Council.

Terms of Restriction on the Use of Land numbered 20 in the plan

1.1 The owner of the burdened lot:

- (a) must not permit vehicular access to or from the burdened land via O'Connell Lane or Orchard Hills Drive; and
- (b) acknowledges that vehicular access to and from the burdened lot is permitted only via Lindfield Street.

Name of person empowered to release, vary or modify Restriction

Penrith City Council

Terms of Restriction on the use of land numbered 21 in the plan

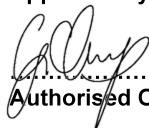
For so long as LEGPRO ORCHARD HILLS STAGE 1 PTY LTD or LEGPRO ORCHARD HILLS STAGE 2 PTY LTD (hereafter referred to as Legpro) remains the registered proprietor of any of the benefited lot:

No fence shall be erected on the lot(s) hereby burdened to divide it from any adjoining land owned by Legpro without their consent, but such consent shall not be withheld if such fence is erected without expense to Legpro. This restriction shall remain in force only during such time as Legpro is the registered proprietor of that adjoining land.

Name of person empowered to release, vary or modify Restriction

Legacy Property Pty Limited

Approved by Penrith City Council



electronic signature affixed by me
or at my direction on 16/04/2026.....

Authorised Officer



Electronic signature affixed by me
or at my direction on 21/04/2026

Registered Proprietor

Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919 .

DP1306996

Sheet **17** of **26** Sheets

Plan of Subdivision of Lot 11 in
DP1309130, Lot 20 in DP1304679 & Lot
1088 & 1089 in DP1306994 AND
Easement over Lot 21 in DP1304679

Covered by Council Certificate

No.: SC26/0006

Dated: 16/04/2026

Part 2 (Terms Continued)

Terms of Restriction on the use of land numbered 23 in the plan

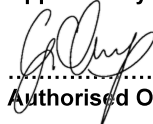
No development (except for any works located within the right of carriage way created by this plan at the intersection of O'Connell Lane and Orchard Hills Drive) or building shall be allowed or be permitted to remain on the burdened lot unless satisfactory arrangements have been made with Penrith City Council for services (water, sewer, electricity and telephone), any outstanding contributions or consolidation with adjoining lots.

The terms of this restriction on the use of land will cease to apply and the obligations will be released by the Penrith City Council on the date that all satisfactory arrangements have been made with Penrith City council for services (water, sewer, electricity and telephone), any outstanding contributions or consolidation with adjoining lot.

Name of person empowered to release, vary or modify Restriction

Penrith City Council

Approved by Penrith City Council



electronic signature affixed by me
or at my direction on 16/04/2026

.....
Authorised Officer



Electronic signature affixed by me
or at my direction on 21/04/2026

.....
Registered Proprietor

Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919 .

DP1306996

Sheet **18** of **26** Sheets

Plan of Subdivision of Lot 11 in
DP1309130, Lot 20 in DP1304679 & Lot
1088 & 1089 in DP1306994 AND
Easement over Lot 21 in DP1304679

Covered by Council Certificate

No.: SC26/0006 Dated: 16/04/2026

Part 2 (Terms Continued)

Definitions and Interpretation

A. Definitions

In this instrument, unless the context clearly indicates otherwise:

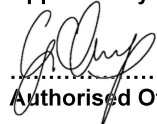
- (a) **Emergency** means any emergency situation, including one that involves a risk to a person's health or safety or serious property damage; and
- (b) **Works** includes inspecting, testing, cleaning, maintenance, repairs, relaying, renovation, alteration, renewal, reinstatement, replacement, removal without replacement, installation or construction.

B. References to certain terms

1.1 In this instrument unless the context clearly indicates otherwise:

- (a) words implying a person imply a natural person, company, statutory corporation, partnership, the Crown, an owners corporation and any other organisation or type of legal entity;
- (b) **including** is not a word of limitation;
- (c) the words at **any time** mean at any time and from time to time;
- (d) a reference to a right or obligation of a person is a reference to a right or obligation of that person under this instrument;
- (e) a reference to any thing (including any amount) is a reference to the whole and each part of it and a reference to a group of persons is a reference to all of them collectively, to any 2 or more of them collectively and to each of them individually;
- (f) a reference to a natural person includes their personal representatives, successors, and permitted assigns;

Approved by Penrith City Council


.....
electronic signature affixed by me
or at my direction on 16/04/2026
Authorised Officer


.....
Electronic signature affixed by me
or at my direction on 21/04/2026
Registered Proprietor

Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919 .

DP1306996

Sheet **19** of **26** Sheets

Plan of Subdivision of Lot 11 in
DP1309130, Lot 20 in DP1304679 & Lot
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Covered by Council Certificate

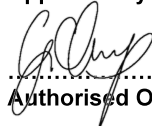
No.: SC26/0006

Dated: 16/04/2026

Part 2 (Terms Continued)

- (g) a reference to a corporation includes its successors and permitted assigns;
- (h) a reference to a document is a reference to a document of any kind, including a plan;
- (i) where this instrument refers to a body or authority which no longer exists, unless otherwise prescribed by law, there is taken to be substituted a body or authority having substantially the same objects as the named body or authority;
- (j) a reference to legislation or a legislative provision includes any statutory modification or substitution of that legislation or legislative provision and any subordinate legislation issued under that legislation or legislative provision;
- (k) a reference to a time is to that time in Sydney;
- (l) if a period of time is specified to start from a certain day or the day of an act or event, the period is to be calculated exclusive of that day;
- (m) a requirement to do any thing includes a requirement to cause that thing to be done;
- (n) a word that is derived from a defined word has a corresponding meaning;
- (o) the singular includes the plural and vice-versa;
- (p) words importing one gender include all other genders; and
- (q) a reference to a lot burdened or a lot benefited includes, where the context permits,
- (r) any Improvements on such a lot.

Approved by Penrith City Council



electronic signature affixed by me
or at my direction on 16/04/2026

Authorised Officer



Electronic signature affixed by me
or at my direction on 21/04/2026

Registered Proprietor

Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919 .

DP1306996

Sheet **20** of **26** Sheets

Plan of Subdivision of Lot 11 in
DP1309130, Lot 20 in DP1304679 & Lot
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Easement over Lot 21 in DP1304679

Covered by Council Certificate

No.: SC26/0006 Dated: 16/04/2026

Part 2 (Terms Continued)

1.2 A requirement in an easement that an owner of a lot benefited or an owner of a lot burdened maintain or repair the site of an easement, or any thing in the site of an easement, is a reference to maintain or repair or maintain and repair in accordance with section 88BA of the Conveyancing Act 1919 (NSW) and is therefore intended to create a positive covenant under that section.

1.3 Release and indemnity

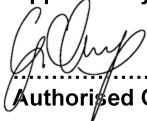
(a) This clause 1.3 applies to each easement in this instrument except the following easements:

- (i) Right of Carriageway Variable Width numbered 7 in the plan;
- (ii) Easement to Drain Water Variable Width numbered 8 in the plan;
- (iii) Easement for Pad mount substation 2.75 wide numbered 9 in the plan;
and
- (iv) Easement to Services Variable Width numbered 17 in the plan.

(b) The owner of a lot benefited and authorised persons release and indemnify the owner of a lot burdened from and against all damage, expense, loss or liability of any nature suffered or incurred by the owner of the lot burdened arising from or in consequence of the exercise by the owner of the lot benefited and authorised persons of their rights under the easement and compliance by the owner of the lot benefited and authorised persons with any obligations under the easement, including:

- (i) loss or damage to the property of the owner or any occupier of the lot burdened except fair wear and tear;
- (ii) loss, damage, expense or liability in respect of any other property; and

Approved by Penrith City Council



electronic signature affixed by me
or at my direction on 16/04/2026

Authorised Officer



Electronic signature affixed by me
or at my direction on 21/04/2026

Registered Proprietor

Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919 .

DP1306996

Sheet **21** of **26** Sheets

Plan of Subdivision of Lot 11 in
DP1309130, Lot 20 in DP1304679 & Lot
1088 & 1089 in DP1306994 AND
Easement over Lot 21 in DP1304679

Covered by Council Certificate

No.: SC26/0006

Dated: 16/04/2026

Part 2 (Terms Continued)

- (iii) loss, expense or liability in respect of personal injury, disease, illness or death.
- (c) The relevant release and indemnity under clause will be reduced proportionately to the extent that the damage, expense, loss or liability arises from a negligent act or omission of the owner of the lot burdened or its officers, employees, contractors or agents.

Approved by Penrith City Council



electronic signature affixed by me
or at my direction on 16/04/2026

.....
Authorized Officer



Electronic signature affixed by me
or at my direction on 21/04/2026

.....
Registered Proprietor

Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919 .

DP1306996

Sheet **22** of **26** Sheets

Plan of Subdivision of Lot 11 in
DP1309130, Lot 20 in DP1304679 & Lot
1088 & 1089 in DP1306994 AND
Easement over Lot 21 in DP1304679

Covered by Council Certificate

No.: SC26/0006 Dated: 16/04/2026

**Signed on behalf of Penrith City Council by its Authorised Officer in accordance with
S378 Local Government Act 1993**

I certify that I am an eligible witness
and that the delegate signed in my
presence

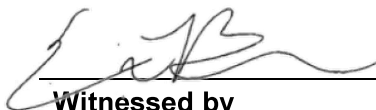


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or at my direction on 16/04/2026

Authorised Officer

Name: Gavin Cherry

Position: Development Assessment Coordinator



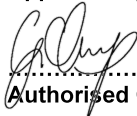
electronic signature affixed by me
or at my direction on 16/04/2026

Witnessed by

Name: Emma Bulloch

c/- Penrith City Council
Po Box 60
Penrith NSW 2751

Approved by Penrith City Council



electronic signature affixed by me
or at my direction on 16/04/2026

Authorised Officer



Electronic signature affixed by me
or at my direction on 21/04/2026

Registered Proprietor

Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919 .

DP1306996

Sheet **23** of **26** Sheets

Plan of Subdivision of Lot 11 in
DP1309130, Lot 20 in DP1304679 & Lot
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Easement over Lot 21 in DP1304679

Covered by Council Certificate

No.: SC26/0006

Dated: 16/04/2026

I certify that the attorney signed this instrument in my presence.

Signed by the attorney named below who signed this instrument pursuant to the power of attorney specified for **Endeavour Energy Network Asset Partnership (ABN 30 586 412 717)** on behalf of **Epsilon Distribution Ministerial Holding Corporation (ABN 59 253 130 878)** pursuant to section 36 of the *Electricity Network Assets (Authorised Transactions) Act 2015 (NSW)*

Signature of witness:

 Digitally signed
by Megan Dowds
Date: 11.02.2026

Signature of attorney:

 Digitally signed
by Simon Lawton
Date: 11-Feb-26

Name of witness:

Megan Dowds

Name and position of attorney:

Simon Lawton
Strategic Property Manager

Address of witness:

c/- Endeavour Energy
Level 41, 8 Parramatta Square
10 Darcy Street
Parramatta NSW 2150


Power of attorney: Book 4846 No 203

EE reference: NRS3799

This document was signed in counterpart and witnessed over audio visual link in accordance with Section 14G of the Electronic Transactions Act 2000.

Approved by Penrith City Council

.....
Authorised Officer

 Electronic signature affixed by me
or at my direction on 21/04/2026
.....
Registered Proprietor

Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919 .

DP1306996

Sheet **24** of **26** Sheets

Plan of Subdivision of Lot 11 in
DP1309130, Lot 20 in DP1304679 & Lot
1088 & 1089 in DP1306994 AND
Easement over Lot 21 in DP1304679

Covered by Council Certificate

No.: SC26/0006

Dated: 16/04/2026

EXECUTED by

LEGPRO ORCHARD HILLS PTY LTD

ACN 619 780 559

Authority: Section 127 of the Corporations Act 2001



Electronic signature affixed by me
or at my direction on 21/04/2026

Signature of Authorised Person

ELTON MATTHEW HYDER IV

Name of Authorised Person

Position – SOLE DIRECTOR / SOLE SECRETARY

EXECUTED by

LEGPRO ORCHARD HILLS STAGE 2 PTY LTD

ACN 673 759 209

Authority: Section 127 of the Corporations Act 2001



Electronic signature affixed by me
or at my direction on 21/04/2026

Signature of Authorised Person

ELTON MATTHEW HYDER IV

Name of Authorised Person

Position – SOLE DIRECTOR / SOLE SECRETARY

EXECUTED by

LEGPRO ORCHARD HILLS STAGE 1 PTY LTD

ACN 673 136 206

Authority: Section 127 of the Corporations Act 2001



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Signature of Authorised Person

ELTON MATTHEW HYDER IV

Name of Authorised Person

Position – SOLE DIRECTOR / SOLE SECRETARY

Approved by Penrith City Council



Electronic signature affixed by me
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Authorised Officer



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Registered Proprietor

Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919 .

DP1306996

Sheet 25 of 26 Sheets

Plan of Subdivision of Lot 11 in DP1309130; Lot 20 in DP1304679 & Lot 1088 & 1089 in DP1306994 AND Easement over Lot 21 in DP1304679

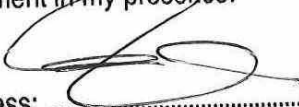

Covered by Council Certificate

No.: SC26/0006


Dated: 16/04/2026

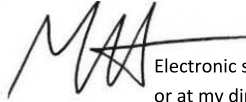
EXECUTED by MORTGAGEE

COMMONWEALTH BANK OF AUSTRALIA

| | |
|---|---|
| Land and Property Information NEW SOUTH WALES | |
| I certify the person(s) signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this instrument in my presence. | Certified correct for the purposes of the Real Property Act 1900 by the person(s) named below who signed this instrument pursuant to the power of attorney specified. |
| Signature of witness:  | Signature of attorney:  |
| Name of witness: ELIZABETH NAUMOVSKI | Attorney's name: Lana Kuznetsova |
| Address of witness: | Attorney's position: Director |
| 11 HARBOUR STREET, SYDNEY NSW 2000 | Signing on behalf of: COMMONWEALTH BANK OF AUSTRALIA ABN 48 123 123 124 |
| | Power of attorney - Book: 4833 No. 698 |

Approved by Penrith City Council


electronic signature affixed by me
or at my direction on 16/04/2026
Authorised Officer


Electronic signature affixed by me
or at my direction on 21/04/2026
Registered Proprietor

Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919 .

DP1306996

Sheet **26** of **26** Sheets

Plan of Subdivision of Lot 11 in
DP1309130, Lot 20 in DP1304679 & Lot
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Easement over Lot 21 in DP1304679

Covered by Council Certificate

No.: SC26/0006 Dated: 16/04/2026

EXECUTED by MORTGAGEE
MCH AGENCY SERVICES PTY LTD
ACN 636 392 928

Authority:Section 127 of the Corporations Act 2001



Signature of Authorised Person

Electronic signature affixed by me or at my direction on 21/04/2026

Andrew Tremain

Name of Authorised Person

Position –DIRECTOR /SECRETARY



Signature of Authorised Person

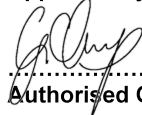
Electronic signature affixed by me or at my direction on 21/04/2026

Justin Hynes

Name of Authorised Person

Position- DIRECTOR

Approved by Penrith City Council



electronic signature affixed by me
or at my direction on 16/04/2026

Authorised Officer



Electronic signature affixed by me
or at my direction on 21/04/2026

Registered Proprietor

